

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 22 February 2016

**Public Authority:** Chief Constable of Greater Manchester Police  
**Address:** Lawton Street  
Openshaw  
Manchester  
M11 2NS

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about section 14 orders made under the Public Order Act 1986. Greater Manchester Police ("the Constabulary") has not responded to the request.
2. The Information Commissioner's decision is that the Constabulary has breached sections 1(1) and 10(1) of the FOIA in that it has failed to provide a response to the request within the statutory time for compliance.
3. The Commissioner requires the Constabulary to take the following steps to ensure compliance with the legislation.
  - Issue a response to the request under the FOIA by either complying with section 1(1) or issuing a valid refusal notice.
4. The public authority must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. On 3 October 2015, the complainant wrote to the Constabulary via the What Do They Know ("WDTK") website<sup>1</sup> and requested information in the following terms:

*"Please provide electronic copies of the guidance issued to Police Constabularies regarding the raising, issuing and dissemination of conditions, of a Section 14 order under the Public Order Act 1986.*

*Please also provide irrefutable evidence that imposition of a Section 14 is not a breach of the European Convention on Human Rights or the United Nations Declaration of Human Rights."*

6. The Constabulary acknowledged receipt of the request the same day. However, despite the complainant contacting it three times to ask for its response, the complainant has not received a response to the request.

## Scope of the case

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7. The complainant contacted the Commissioner on 15 January 2016 to complain about the way the request for information had been handled.
8. The Commissioner wrote to the Constabulary on 20 January 2016 to remind it of its obligations in respect of such requests and asking it to respond to the complainant within ten working days.
9. The Commissioner notes from the WDTK website (and the complainant has independently confirmed to him) that the complainant has since received neither a response to the request nor a refusal notice from the Constabulary.
10. The Commissioner has therefore considered the Constabulary's compliance with section 1(1) and 10(1) of the FOIA.

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<sup>1</sup> <https://www.whatdotheyknow.com/>

## Reasons for decision

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11. Section 1(1) of FOIA states that:

*1(1) Any person making a request to a public authority is entitled –*

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*

*(b) if that is the case, to have that information communicated to him.*

12. Section 10(1) of the FOIA states that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.

13. The Constabulary acknowledged receipt of the request on 3 October 2015. The twentieth working day after this was 30 October 2015. As the Constabulary did not issue a response by that date – and has still not done so - it has breached section 1(1) and 10(1) of the FOIA.

## Right of appeal

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14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Samantha Bracegirdle**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**